

REMARKS/ARGUMENTS

In amended Fig. 3, the previously omitted indices for the ordinates of the B and R pixels of the right column have been added in response to the Examiner's objection.

Claims 1-20 are pending in the application.

CLAIM OBJECTIONS

Claims 5-7, 9, 11 and 12 have been objected to for purported errors in the antecedent basis of the recited elements: "R color plane," "B color plane," "G color plane," "main diagonal," and "secondary diagonal." In response, applicants have amended claims 7 and 9 to recite "main diagonal" and "secondary diagonal" and have amended claim 3 to recite that the "subsampled color image comprises an image in RGB color space format including an R plane, a G plane and a B plane."

In addition, Applicants have amended claims 7, 11-12, and 19-20 to correct minor typographical errors.

The Examiner has objected to claims 7-10 as being dependent upon a rejected base claim and has remarked that claims 7-10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, because Applicants assert the relevant base claims to be patentable, as discussed below, Applicants respectfully decline to rewrite claims 7-10 and, instead, respectfully request that the Examiner withdraw his objection to claims 7-10.

CLAIM REJECTIONS:

35 USC § 103(a)

Claims 1-6, 11-12, and 19-20

The Examiner has rejected claims 1-6, 11-12, and 19-20 under 35 USC § 103(a) as being unpatentable over Maenaka in view of Fujino. Applicants respectfully traverse this rejection for the following reasons. Applicants respectfully maintain that neither Maenaka nor Fujino, alone or in combination, provide the subject matter of the rejected claims. As the

Examiner correctly notes, Maenaka does not disclose, as recited in Applicants' claim 1, a method of using hue to interpolate color pixel values comprising comparing relative changes in hue. Applicants respectfully assert that Fujino does not correct the deficiencies of Maenaka in this regard.

In particular, the Examiner states that "Fujino discloses a well-known correlation method for interpolation by using at least one of luminance, hue or saturation components of surrounding pixels" (emphasis added) (Office Action of June 16, 2004; page 4. Ins. 13-15). Applicants respectfully traverse the Examiner's statement that Fujino discloses a well-known correlation method for interpolation using hue. Applicants assert that Fujino merely mentions hue but provides no meaningful disclosure of a correlation method for interpolation by using hue. Applicants respectfully request that the Examiner provide evidence supporting his statement that Fujino discloses a well-known correlation method for interpolation using hue.

There is no motivation to combine references

Assuming, for the sake of argument, that Fujino discloses a well-known correlation method for interpolation using hue, which the applicants assert Fujino does not, applicants respectfully note that in order to establish a *prima facie* case of obviousness the Examiner must point to "some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." (MPEP 2143). Applicants assert that Maenaka discloses a correlation method for interpolation using luminance alone and that Maenaka provides no suggestion or motivation to modify its disclosure to encompass a correlation method for interpolation using hue. Applicants respectfully request that the Examiner provide articulation of the requisite suggestion or motivation to modify or combine Maenaka with Fujino. Applicants respectfully remind the Examiner that it is well established that the prior art must suggest the desirability of the claimed invention (MPEP 2143.01) and that the level of skill in the art cannot be relied upon

to provide the suggestion to combine references (MPEP 2143.01 citing *AI-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308 (Fed. Cir. 1999)).

Because there is no proper motivation for combining Maenaka with Fujino, the rejection of claims 1-6, 11-12, and 19-20 under 35 USC § 103(a) is improper.

The resulting combination fails to teach the claimed invention

Even assuming, for the sake of argument, that it would be proper to combine Maenaka with Fujino, which the Applicants assert it is not, the resultant combination would still fail to teach or suggest *comparing relative changes in hue* as recited in independent claims 1 and 19. As discussed above, and acknowledged by the Examiner (Office Action of June 16, 2004; page 4, ln. 10), Maenaka fails to teach *comparing relative changes in hue*. Importantly, Fujino likewise fails to disclose *comparing relative changes in hue* and therefore fails to correct this deficiency in Maenaka. Since Maenaka and Fujino, taken alone or in combination, fails to teach or suggest *comparing relative changes in hue*, Maenaka and Fujino cannot render obvious claims 1-6, 11-12, 19-20.

Because the suggested combination of prior art references is improper and because, taken alone or in combination, the prior art references fail to teach or suggest each and every claimed limitation, Applicants respectfully submit that a *prima facie* case of obviousness under 35 USC § 103(a) has not been established. Accordingly, reconsideration and withdrawal of the § 103 rejection of claims 1-6, 11-12, and 19-20 is respectfully requested.

Claims 13-18

The Examiner has rejected claims 13-18 under 35 USC 103(a) as being unpatentable over Maenaka in view of Fujino and further in view of Yamashita. However, as discussed above, Applicants respectfully maintain that neither Maenaka nor Fujino, alone or in combination, provide the subject matter of the rejected claims. Because the Examiner relies upon Yamashita solely for disclosure of the implementation of the claimed invention in software

procedures, and, because applicants note that the combination of Maenaka and Fujino fails to render the claimed invention unpatentable, the combination of Maenaka and Fujino with Yamashita likewise fails to render the rejected claims unpatentable.

Accordingly, reconsideration and withdrawal of the § 103 rejection of claims 13-18 is respectfully requested.

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Reply to Office Action of June 16, 2004
Attorney Docket: 42390.P8746

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 264-6473. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,



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